

MEETINGS TO DATE 24
NO. OF REGULARS 20
NO. OF SPECIALS 4

LANCASTER, NEW YORK
NOVEMBER 3, 1986

A Regular Meeting of the Town Board of the Town of Lancaster,
Erie County, New York, was held at the Town Hall at Lancaster, New York on
the 3rd day of November 1986, at 8:00 P.M. and there were

PRESENT: STANLEY JAY KEYSA, SUPERVISOR
(from 9:15 P.M. until adjournment)
RONALD A. CZAPLA, COUNCILMAN
ROBERT H. GIZA, COUNCILMAN
(from 8:30 P.M. until adjournment)
DONALD E. KWAK, COUNCILMAN
JOHN T. MILLER, COUNCILMAN

ABSENT: NONE

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK
RICHARD J. SHERWOOD, TOWN ATTORNEY
NICHOLAS LO CICERO, DEP. TOWN ATTORNEY
ROBERT LABENSKI, TOWN ENGINEER
ROBERT L. LANEY, BUILDING INSPECTOR

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
MILLER , TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town
Board, held on October 20, 1986, as presented by the Town Clerk, be and
hereby are approved.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA WAS ABSENT
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA WAS ABSENT

The resolution was thereupon unanimously adopted.

November 3, 1986

File: R-MIN

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN CZAPLA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
GIZA , TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster has requested funding for the purchase of Soft Ballistic Body Armor for the protection of the town police officer, and

WHEREAS, the cost of such equipment is subject to public bid under Section 103 of the General Municipal Law, and

WHEREAS, the State of New York, Division of Criminal Justice Services will reimburse the Town of Lancaster for the cost of purchase of the aforesaid Soft Ballistic Body Armor,

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That bids will be received by this Town Board on the 17th day of November, 1986, at 8:30 o'clock P.M., Local Time, for the purpose of purchasing Soft Ballistic Body Armor for the protection of town police officers, in accordance with specifications on file in the Town Clerk's office; and

2. That the Town Clerk be and is hereby authorized to place a Notice to Bidders in the Lancaster Bee and to post a notice thereof on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

November 3, 1986

LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Town Board of the Town of Lancaster, Erie County, New York, in Room 139 of the Central Avenue Community Center at 149 Central Avenue, Lancaster, New York, up to 8:30 o'clock P.M., Local Time, on November 17, 1986, for the furnishing to the Police Department of Soft Ballistic Body Armor, in accordance with specifications on file in the Town Clerk's Office in the Central Avenue Community Center, 149 Central Avenue, Lancaster, New York.

A check or bid bond in an amount representing five per centum (5%) of the "Gross Bid" , payable to the Supervisor of the Town of Lancaster, and non-collusive bid certificate must accompany each bid.

The Board reserves the right to reject any or all bids and to waive any informalities.

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: ROBERT P. THILL
Town Clerk

November 3, 1986

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN MILLER , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
KWAK , TO WIT:

BOND RESOLUTION OF THE TOWN OF LANCASTER, NEW
YORK, ADOPTED NOVEMBER 3, 1986, AUTHORIZING
THE PURCHASE OF TWO (2) PIECES OF EQUIPMENT FOR
CONSTRUCTION AND MAINTENANCE, FOR SAID TOWN,
STATING THE ESTIMATED MAXIMUM COST THEREOF IS
\$220,000, APPROPRIATING SAID AMOUNT THEREFOR,
AND AUTHORIZING THE ISSUANCE OF \$220,000
SERIAL BONDS OF SAID TOWN TO FINANCE SAID
APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF LANCASTER, IN THE
COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of
not less than two-thirds of all the members of said Town Board) AS
FOLLOWS:

Section 1. The Town of Lancaster, in the County of
Erie, New York (herein called "Town"), is hereby authorized to
purchase (a) one 4 wheel drive diesel powered heavy duty truck
with hoist and plow rigging, at the estimated maximum cost of \$120,000;
and (b) one 4 wheel drive three cubic yard rubber-tired, front end
loader at the estimated maximum cost of \$100,000. The estimated
total maximum cost of said specific objects or purposes,
including preliminary costs and costs incidental thereto and the
financing thereof, is \$220,000 and said amount is hereby
appropriated therefor. The plan of financing includes the issuance of
\$220,000 serial bonds of the Town to finance said appropriation, and the
levy and collection of taxes on all the taxable real property in the
Town to pay the principal of said bonds and the interest thereon as
the same become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$220,000, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said specific objects or purposes for which said \$220,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years; however the bonds authorized pursuant to this resolution or bond anticipation note issued in anticipation of the sale of such bonds shall mature no later than five (5) years from the date of original issuance of bonds or notes heretofore or herein authorized for such purpose.

(b) Current funds are not required by the Law to be provided as a down payment prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof in accordance with Section 107.00 d. 4 of the Law.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation

of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in full, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in "THE LANCASTER BEE", a newspaper published in Lancaster, New York, having a general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA WAS ABSENT
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA WAS ABSENT

The resolution was thereupon unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
MILLER , TO WIT:

WHEREAS, Section 467 of the Real Property Tax Law of the State of New York has been amended to authorize exemption from real property taxation on a graduated scale for total income from Twelve Thousand Twenty-five Dollars (\$12,025.00) to a total not exceeding Fifteen Thousand Dollars (\$15,000.00), and

WHEREAS, the increase in income eligibility for town taxes will place no particular burden on the taxpaying public, but will materially improve the economic ability of our senior citizens in coping with the ravages of inflation while living on fixed retirement income in their declining years, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to adopt and enact said exemption from real property taxation on said graduated scale;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 467 of the Real Property Tax Law of the State of New York, a Public Hearing on the enactment by resolution of a senior citizens tax exemption will be held on the 17th day of November, 1986, at 9:00 o'clock P.M., Local Time, at the Central Avenue Community Center, 149 Central Avenue, Lancaster, New York, in Room 139, and that the Notice of the time and place of such hearing shall be published in the Lancaster Bee, the official newspaper, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA WAS ABSENT
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA WAS ABSENT

The resolution was thereupon unanimously adopted.

November 3, 1986

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

NOTICE IS HEREBY GIVEN, that pursuant to Section 467 of the Real Property Tax Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 3rd day of November, 1986, the said Town Board will hold a Public Hearing on the 17th day of November, 1986, at 9:00 o'clock P.M. Local Time, at the Central Avenue Community Center, 149 Central Avenue, Lancaster, New York, in Room 139, upon the resolution authorizing Senior Citizens Tax Exemption, as follows:

SENIOR CITIZENS TAX EXEMPTION

1. Exemption granted.

Real property owned by one (1) or more persons, each of whom is sixty-five (65) years of age or over, or real property owned by husband and wife, one (1) of whom is sixty-five (65) years of age or over, shall be exempt from taxation by the Town of Lancaster to the extent as provided in the following schedule:

<u>ANNUAL INCOME</u>	<u>PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION</u>
Not More than \$12,025	50 per centum
More than \$12,025, but Less than \$12,525	45 per centum
More than \$12,525, but Less than \$13,025	40 per centum
More than \$13,025, but Less than \$13,525	35 per centum
More than \$13,525 but Less than \$14,025	30 per centum
More than \$14,025 but Less than \$14,525	25 per centum
More than \$14,525 but Less than \$15,000	20 per centum

2. Exceptions; application; penalties for offenses.

A. No exemption shall be granted:

1. If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of the maximum income exemption eligibility level for the granting of a partial exemption from real property taxation as provided in paragraph (a) of Subdivision Three of Section Four Hundred Sixty-seven of the Real Property Tax Law of the State of New York, plus an amount not to exceed two thousand nine hundred ninety-nine dollars and ninety-nine cents, and consistent with the schedule provided for in subdivision one (1) hereof. Income tax year shall mean the twelve month period for which the owner or owners filed a Federal Personal Income Tax Return, or if no such return is filed, the calendar year, where title is vested in either the husband or the wife, their combined income may not

exceed such sum. Such income shall include social security and retirement benefits, interest, dividends total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings and net income from self-employment but shall not include a return of capital, gifts or inheritances. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income;

2. Unless the title of the property shall have been vested in the Owner or one of the owners of the property for at least twenty-four consecutive months prior to the date of making application for exemption, provided, however, that in the event of the death of either a husband or wife in whose name title of the property shall have been vested at the time of death and then becomes vested solely in the survivor by virtue of devise by or descent from the deceased husband or wife, the time of ownership of the property by the deceased husband or wife shall be deemed also a time of ownership by the survivor and such ownership shall be deemed continuous for the purposes of computing such period of twenty-four consecutive months, provided further, that in the event of a transfer by either a husband or wife to the other spouse of all or part of the title to the property the time of ownership of the property by the transferor spouse shall be deemed also a time of ownership by the transferee spouse and such ownership shall be deemed continuous for the purposes of computing such period of twenty-four consecutive months and provided further that where property of the owner or owners has been acquired to replace property formerly owned by such owner or owners and taken by eminent domain or other involuntary proceeding, except a tax sale, the period of ownership of the former property shall be combined with the period of ownership of the property for which application is made for exemption and such periods of ownership shall be deemed to be consecutive purposes of this section. Where a residence is sold and replaced with another within one year and is in the same assessing unit or municipality, the period of ownership of the former property shall be combined with the period of ownership of the replacement residence and deemed consecutive for exemption from taxation by each such assessing unit or municipality, provided, however, that where the replacement property is in the same assessing unit, but another school district, the periods of ownership of both properties shall also be deemed consecutive for purposes of the exemption from taxation by such school district. Notwithstanding any other provision of law, where a residence is sold and replaced with another within one year and both residences are within the state, the period of ownership of both properties shall be deemed consecutive for purposes of the exemption from taxation by a municipality within the state granting such exemption.
3. Unless the property is used exclusively for residential purposes.
4. Unless the real property is the legal residence of and is occupied in whole or in part by the owner or by all of the owners of the property.

- B. Application for such exemption must be made by the owner or all the owners of the property on forms to be furnished by the Town Assessor's Office, and such application shall furnish the information and be executed in the manner required or prescribed in such forms and shall be filed in such Assessor's Office on or before the appropriate taxable status date.
- C. Any conviction of having made any willfully false statement in the application for such exemption shall be punishable by a fine of not more than one hundred dollars (\$100.) and shall disqualify the applicant or applicants from further exemption for a period of five (5) years.

3. When effective.

This resolution shall be effective immediately.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: ROBERT P. THILL
Town Clerk

November 3, 1986

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
CZAPLA , TO WIT:

WHEREAS, it is the desire of the Town of Lancaster to renew the Agreement heretofore entered into by the Town of Lancaster and the Depew-Lancaster Boys' and Girls' Club, Inc., for the operation of a Junior Citizens Club at the Depew Branch of said Boys' and Girls' Club, which expires, according to its terms, on December 31, 1986, and

WHEREAS, said Depew-Lancaster Boys' and Girls' Club, Inc., has submitted and filed its 1987 Budget for the operation of said Junior Citizens Club;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized and directed to execute said Agreements on behalf of the Town of Lancaster, which have been drawn by the Town Attorney.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA WAS ABSENT

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA WAS ABSENT

The resolution was thereupon unanimously adopted.

November 3, 1986

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN CZAPLA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
KWAK , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, "VEHICLE & TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK," designated as Chapter 46 of the Code of the Town of Lancaster;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on a proposed amendment to the Vehicle & Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held in Room 139 of the Central Avenue Community Center, 149 Central Avenue, Lancaster, New York, at 8:45 o'clock P.M., Local Time, and that Notice of the time and place of such hearing be published on or before the 6th day of November, 1986, in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA WAS ABSENT
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA WAS ABSENT

The resolution was thereupon unanimously adopted.

November 3, 1986

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 3rd day of November, 1986, the said Town Board will hold a public hearing on the 17th day of November, 1986, at 8:45 o'clock P.M., Local Time in Room 139 at the Central Avenue Community Center, 149 Central Avenue, Lancaster, New York, to hear all persons upon the following amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated Chapter 46 of the Code of the said Town.

ARTICLE XIII
Truck Exclusions

§46-20. Trucks over six tons excluded.

"A. Trucks in excess of six (6) tons are hereby excluded from the following highways within this town," is hereby deleted and a new section "A" enacted in place thereof, as follows:

"A" Any motor vehicle, including but not limited to trucks, motor homes and tractor trailers, shall be prohibited from operating over certain town roads, as set forth hereinafter, where said motor vehicle has a registered "Maximum Gross Weight" in excess of 12,000 lbs. (6 tons) as shown on a motor vehicle registration of the State of New York or any other state or country.

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(32) Maple Road and Maple Drive South Access Road

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Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: ROBERT P. THILL
Town Clerk

November 3, 1986

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN MILLER , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
KWAK , TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster
has requested the purchase of one (1) New and Unused 1987 4-Wheel Drive Motor
Truck with Dump Body, Snow Plow Equipment and all Hydraulics for use of the
Highway Department, and

WHEREAS, the Highway Committee of the Town Board recommends
that such purchase be authorized,

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That bids be received by this Town Board on the 17th day of
November, 1986, at 8:20 o'clock P.M., Local Time, for the purpose of purchasing
One (1) New and Unused 1987 4-Wheel Drive Motor Truck with Dump Body, Snow Plow
Equipment and all Hydraulics for use of the Highway Department of the Town of
Lancaster in accordance with specifications on file in the Town Clerk's Office,
and

2. That the Town Clerk be and is hereby authorized to place a
Notice to Bidders in the Lancaster Bee and post notices thereof as required by
Law on the Town Bulletin Board, which Notice shall be in the form attached
hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA WAS ABSENT

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA WAS ABSENT

The resolution was thereupon unanimously adopted.

November 3, 1986

LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Town Board of the Town of Lancaster, Erie County, New York, in Room 139 of the Central Avenue Community Center at 149 Central Avenue, Lancaster, New York, up to 8:20 o'clock P.M., Local Time, on November 17, 1986, for furnishing to the Highway Department of the Town of Lancaster One (1) New and Unused 1987 4-Wheel Drive Motor Truck with Dump Body, Snow Plow Equipment and all Hydraulics in accordance with specifications on file in the Town Clerk's Office in the Central Avenue Community Center.

A check or bid bond in an amount representing five per centum (5%) of the "Gross Bid" payable to the Supervisor of the Town of Lancaster, and a non-collusive bid certificate must accompany each bid.

The Board reserves the right to reject any or all bids and to waive any informalities.

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: ROBERT P. THILL
Town Clerk

November 3, 1986

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN CZAPLA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
KWAK , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster desires to provide for the public safety and welfare of its citizens while also providing for the rights of property owners and the rights of those lawfully engaged in hunting,

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on a proposed Town Ordinance, to be Chapter 19, Firearms Possession on Private Property, of the Code of the Town of Lancaster, County of Erie, New York, will be held on the 17th day of November, 1986, at 9:15 o'clock P.M. Local Time, at the Central Avenue Community Center, 149 Central Avenue, Lancaster, New York, in Room 139, and that Notice of the time and place of such hearing be published in the Lancaster Bee, the official newspaper, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA WAS ABSENT
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA WAS ABSENT

The resolution was thereupon unanimously adopted.

November 3, 1986

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

NOTICE IS HEREBY GIVEN that pursuant to Section 130 of the Town Law of the State of New York, and pursuant to a resolution adopted by the Town Board of the Town of Lancaster on November 3, 1986, the said Town Board will hold a public hearing on the enactment of a proposed Ordinance to be Chapter 19, Firearms Possession on Private Property, of the Code of the Town of Lancaster, County of Erie, New York, on the 17th day of November, 1986, at 9:15 o'clock P.M., Local Time, at the Central Avenue Community Center, 149 Central Avenue, Lancaster, New York, in Room 139, to hear all interested persons for or against the adoption of said proposed Ordinance, which shall read as follows:

CHAPTER 19

FIREARMS POSSESSION ON PRIVATE PROPERTY

- §19-1. Title
- §19-2. Prohibitions
- §19-3. Exceptions
- §19-4. Penalties for Offenses
- §19-5. When effective
- §19-6. Validity and Separability

§19-1. TITLE

This Ordinance shall be known as the "Firearms Possession Ordinance of the Town of Lancaster.

§19-2. PROHIBITIONS

- A. It shall hereafter be unlawful for any person to possess any shotgun, revolver, pistol, rifle, spring gun, air gun, long bow, or other firearm on private property in the Town of Lancaster, unless:
 - (1) Said person(s) is the owner of the real property, or
 - (2) Said person(s) has in his possession the written permission of the record owner of the property for the calendar year.

§19-3. EXCEPTIONS.

The provisions of this ordinance shall not apply to:

1. Any peace officer while engaged in carrying out his duties.
2. The regulated use of a pistol, rifle or target range operated and maintained by any duly organized membership corporation.
3. Programs conducted by public schools offering instruction and training in the use of firearms or long-bow.

§19-4. PENALTIES FOR OFFENSES.

Any violation of this ordinance is hereby declared to be an offense punishable as follows:

- A. For a first conviction, by a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).
- B. For a second conviction within five (5) years of a previous conviction by a fine of not less than fifty dollars (\$50) nor more than one hundred fifty dollars (\$150).
- C. For a third or subsequent conviction within five (5) years of the first two (2) or more previous convictions, by a fine of not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or by imprisonment for not less than thirty (30) days nor more than three (3) months.

§19-5. WHEN EFFECTIVE

This ordinance shall take effect immediately.

§19-6. VALIDITY AND SEPARABILITY

In the event that any section, subdivision, paragraph or provision of this ordinance shall be adjudged to be invalid, such adjudication shall apply only to such portion thereof so expressly adjudged invalid, and the remainder of this ordinance shall be deemed to be in all respects valid and effective.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

By: ROBERT P. THILL
Town Clerk

November 3, 1986

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
MILLER, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster, on April 7, 1986,
authorized the issuance of Building Permit No. 209 of the Town of Lancaster
to David Palaszewski, 78 Nagle Drive, Cheektowaga, New York 14225, to erect a
single dwelling and private garage on premises locally known as 142 Pleasant
View Drive, Lancaster, New York, and

WHEREAS, Mr. Palaszewski has requested a refund of the permit fee
of \$225.00 since he has decided not to build on the property, and

WHEREAS, none of the necessary inspections or services by the Town
were ever performed since Mr. Palaszewski never began building,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized and
directed to process a refund check in the amount of \$225.00 to Mr.
Palaszewski, which represents the building permit fee, and forward same to
David Palaszewski, 78 Nagel Drive, Cheektowaga, New York 14225, and

BE IT FURTHER

RESOLVED, that the refund authorization granted herein is
conditioned upon the return of the premises and topsoil to the original
condition it enjoyed prior to the stripping for the proposed dwelling.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA WAS ABSENT
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA WAS ABSENT

The resolution was thereupon unanimously adopted.

November 3, 1986

File: R-BLDG

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN MILLER , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
KWAK , TO WIT:

WHEREAS, employees in the Town Assessor's Office, Real Property Appraisal Technicial Thomas E. Kunz and Supervising Tax Clerk Diane L. Augustine, did work an inordinate number of extra hours during the course of the reval program in the Town of Lancaster, and

WHEREAS, it would be unfair and implausable to expect these employees to take compensation time for the total number of these hours, and

WHEREAS, the Town Board has discussed this matter with these employees and has reached an accord which is found to be agreeable to both the said employees and the Town Board,

NOW, THEREFORE, BE IT

RESOLVED, that these employees will be paid for one-half of the overtime hours they worked from January 1, 1986 through July 15, 1986, and the balance will be taken as compensatory time.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA WAS ABSENT

The resolution was thereupon unanimously adopted.

November 3, 1986

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN CZAPLA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
KWAK , TO WIT:

WHEREAS, it is the desire of the Town of Lancaster to renew the Agreement heretofore entered into by the Town of Lancaster and the Depew-Lancaster Boys' and Girls' Club, Inc., for operation of a Junior Citizens Club at the Lancaster Branch of said Boys' and Girls' Club, which expires, according to its terms, on December 31, 1986, and

WHEREAS, said Depew-Lancaster Boys' and Girls' Club, Inc., has submitted and filed its 1987 Budget for the operation of said Junior Citizens Club,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized and directed to execute said Agreements on behalf of the Town of Lancaster, which have been drawn and approved by the Town Attorney.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA ABSTAINED

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA WAS ABSENT

The resolution was thereupon unanimously adopted.

November 3, 1986

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN MILLER , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
KWAK , TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster
has requested the purchase of one (1) new 1986 Rubber Tired 4-Wheel Drive
Three Cubic Yard Loader for use of the Highway Department, and

WHEREAS, the Highway Committee of the Town Board recommends
that such purchase be authorized,

NOW, THEREFORE, BE IT

RESOLVED, that bids be received by this Town Board on the 17th
day of November, 1986, at 8:10 o'clock P.M., Local Time, for the purpose of
purchasing one (1) new 1986 Rubber Tired 4-Wheel Drive Three Cubic Yard Loader
for use of the Highway Department of the Town of Lancaster in accordance with
specifications on file in the Town Clerk's Office, and

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to
place a Notice to Bidders in the Lancaster Bee and post notices thereof as
required by Law on the Town Bulletin Board, which Notice shall be in the form
attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA WAS ABSENT

The resolution was thereupon unanimously adopted.

November 3, 1986

LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Town Board of the Town of Lancaster, Erie County, New York, in Room 139 of the Central Avenue Community Center at 149 Central Avenue, Lancaster, New York, up to 8:10 o'clock P.M., Local Time, on November 17, 1986, for furnishing to the Highway Department of the Town of Lancaster One (1) New 1986 Rubber Tired 4-Wheel Drive Three Cubic Yard Loader in accordance with specifications on file in the Town Clerk's Office in the Central Avenue Community Center, 149 Central Avenue, Lancaster, New York.

A check or bid bond in an amount representing five per centum (5%) of the "Gross Bid", payable to the Supervisor of the Town of Lancaster, and non-collusive bid certificate must accompany each bid.

The Board reserves the right to reject any or all bids and to waive any informalities.

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: ROBERT P. THILL
Town Clerk

November 3, 1986

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
MILLER , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby
ordered paid from their respective accounts:

Claim No. 3854 to Claim No. 3986 Inclusive.

Total amount hereby authorized to be paid:

\$145,194.60

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA WAS ABSENT

The resolution was thereupon unanimously adopted.

November 3, 1986

File: R-CLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
MILLER, TO WIT:

RESOLVED, that the following Building Permit Applications be and
are hereby approved and the Issuance of Building Permits be and are hereby
authorized:

<u>NO.</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>STRUCTURE</u>
304	Michael Pascucci	199 Cemetery Rd.	ER. SIN. DWLG, GARAGE
305	Dennis Reptowski	16 Pineview La.	ER. SHED
306	David Bartholomew	1014 Town Line Rd.	ER. SIN. DWLG, GARAGE
307	Joan Kulaszewski	1208 Penora St.	ER. GARAGE
308	Robert Nawrocki	29 Deerpath Dr.	ER. FIREPLACE
309	Iona Builders	15 Country Pl.	ER. SIN. DWLG, GARAGE
310	WFB Enterprises	210 Belmont Rd.	ER. SIN. DWLG, GARAGE
311	Cindy Noelk	2 Partridge Wk.	ER. WOODBURN. STOVE
312	Cliff Sugg	56 Pleasant View Dr.	DEM. SHED, ER. STORAGE BLDG.
313	Chas. Zwack	598 Harris Hill Rd.	DEM. SHED, ER. SHED
314	Diamond Craft Homes	101 Schlemmer Rd.	ER. SIN. DWLG, GARAGE
315	Sue Allein	1152 Penora St.	ER. FENCE
316	Thos. Majcher	303 Westwood Rd.	ER. GARAGE
317	Marrano/Marc Equity	71 Pheasant Run La.	ER. SIN. DWLG, GARAGE
318	Straford Homes, Inc.	1 Robins Nest Ct.	ER. SIN. DWLG

and,

BE IT FURTHER

RESOLVED, that Building Permit No. 298, applied for by Frank
Aquino, to erect a shed on premises located at 16 Heritage Drive, which was
previously denied by the Town Board on October 20, 1986, be and is hereby
approved since subsequent investigation indicated that the proposed storage
shed has an adequate setback and is in conformance with the Zoning Code of
the Town of Lancaster, and

BE IT FURTHER

RESOLVED, that Building Permit Application Nos. 304, 306, 310, and 314 be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA WAS ABSENT

The resolution was thereupon unanimously adopted.

November 3, 1986

File: R-BLDG

Councilman Giza requested a suspension of the necessary rule for immediate consideration of the following resolution:-

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN GIZA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
MILLER , TO WIT:

WHEREAS, Shelgren & Marzec, Architects, by letter dated November 1, 1986, have recommended to the Town Board of the Town of Lancaster the approval of a Change Order for the Lancaster Town Hall Office Rehabilitation Project, and

WHEREAS, building conditions encountered are substantially different than was originally anticipated,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. 1 of the Town Hall Office Rehabilitation project in accordance with the letter dated November 1, 1986, on file in the Town Clerk's office, as follows:

1. General Contract:

Everest Inc.
707 Erie Ave.
N.Tonawanda, N.Y. 14120

Post Bid Change Reduction - \$ 3,591.00

2. Electrical Contract:

Goodwin Electric Corp.
150 Milton St.
Williamsville, N.Y. 14221

Post Bid Change Reduction - \$ 844.00

3. Heating V.P.S. Contract:

Kellner Mechanical Contractors
7000 Seneca St., P.O.Box 122
Elma, N.Y. 14059

Post Bid Change Reduction - \$26,800.00

The total contract is thereby reduced to the sum of \$484,318.00.

and

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute this change order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

November 3, 1986

STATUS REPORT ON UNFINISHED BUSINESS:

1. Dumping Permit - Eric Hengerer
On October 6, 1986, this application was referred to the Planning Board, Planning Consultant, Building Inspector and Town Engineer for review and report to the Town Board.
2. Dumping Permit - John Wicks
On October 6, 1986, this application was referred to the Planning Board, Planning Consultant, Building Inspector and Town Engineer for review and report to the Town Board.
3. Dumping Permit - Keith A. Wilkinson
On September 11, 1986, this application was referred to the Planning Board, Planning Consultant, Building Inspector and Town Engineer for review and report to the Town Board.
4. Public Improvement Permit Authorization - Country View East Subdivision, Phase I (Marrano/Marc Equity).
The retention pond has not yet been accepted but completion is secured by a Letter of Credit expiring on November 1, 1987.
5. Public Improvement Permit Authorization - Country View East Subdivision, Phase II (Marrano/Marc Equity).
This item remains under unfinished business until a retention basin is constructed on the Lancaster Sr. High School property.
6. Public Improvement Permit Authorization - Country View East Subdivision, Phase III (Marrano/Marc Equity).
This item remains under unfinished business until a retention basin is constructed on the Lancaster Sr. High School property.
7. Public Improvement Permit Authorization - Heritage Hills Subdivision
The Town Board is awaiting maintenance security for P.I.P. No. 65 (retention pond) prior to acceptance.
8. Public Improvement Permit Authorization - Lancaster Industrial Commerce Center
The Town Board authorized issuance of P.I.P. No. 79 (water main) and No. 80, (retention basin) on June 6, 1983.
9. Reconstruction of Intersection, Genesee Street and Ransom Road
On May 5, 1986, the Supervisor reported that this Intersection is presently under construction.
10. Rezone Petition - Richard L. Church
On July 21, 1986, this petition was referred to the Planning Board for review and recommendation. On September 15, 1986, the Town Board set a public hearing on this matter for October 6, 1986. On October 6, 1986, the Town Board held a public hearing on this matter and reserved decision.
11. Rezone Petition - Josela Enterprises, Inc.
On June 2, 1986, this petition was referred to the Planning Board for review and recommendation.

STATUS REPORT ON UNFINISHED BUSINESS CONT'D:12. Rezone Petition - Dennis Richards

On July 7, 1986, this petition was referred to the Planning Board for review and recommendation. On September 15, 1986, the Town Board set a public hearing on this matter for October 6, 1986. On October 6, 1986, the Town Board held a public hearing on this matter and reserved decision.

13. Rezone Petition - George Stephen

On August 11, 1986, this petition was referred to the Planning Board for review and recommendation. On September 15, 1986, the Town Board set a public hearing on this matter for October 6, 1986. On October 6, 1986, the Town Board held a public hearing on this matter and reserved decision.

14. Subdivision Approval - "The Meadows" Subdivision

On July 7, 1986, this matter was referred to the Planning Board Chairman, Chief Fowler, Highway Superintendent, Town Engineer, and Town Planning Consultant for review and report. On September 3, 1986, the Planning Board recommended to the Town Board approval of this proposed subdivision. On September 26, 1986, the Planning Board rescinded their recommendation for approval of the preliminary plot previously adopted on September 3, 1986.

15. Traffic Study - Speed Reduction, Pavement Road, Broadway North to Walden Avenue

On August 19, 1985, this matter was referred to the Police Chief for investigation and recommendation.

16. Traffic Study - Speed Reduction, Ransom Road, Broadway North to Genesee Street

On August 19, 1985, this matter was referred to the Police Chief for investigation and recommendation.

17. Zoning Ordinance and Map Update

On June 15, 1983, Consultant Richard Brox conveyed a draft to the Town Board and Planning Board. Numerous joint sessions have been held to resolve areas of concern. SEQR review, on the ordinance only, was held on July 18, 1984. The proposed map has not been subjected to SEQR review.

PERSONS ADDRESSING THE TOWN BOARD:

Mrs. Guenther, 562 Pavement Road, and Mrs. Lina, 572 Pavement Road, complained to the Town Board about hunters discharging firearms on and near their properties.

Mr. William Kornacki, 6060 Genesee Street, complained to the Town Board about A.T.V.s (All Terrain Vehicles) upon his property and suggested the Town Board consider an ordinance to regulate them.

COMMUNICATIONS:DISPOSITION

904. Town Clerk to Diane Mock -
Comments re: building permit application
authorized for 16 Heritage Dr.
905. Cheektowaga Town Engineer to Town Clerk -
Advisement re: permit to perform performance
work along Ellcott Cr.
906. Planning Board Chair. to Town Board -
Report on NYPF Annual Planning & Zoning
Institute Conference.
907. N.Y.S. Div. of Equalization and Assessment to
Supervisor -
Requirement that as of 1/1/87 notice re:
third party designation be included with bills.
908. Village Officials Assn. & Town Assoc. of
Governments to Supervisor -
November Dinner Meeting to be held 11/20/86
at North Collins.
909. Erie County Leg. Chair. to Supervisor -
Transmittal of proposed resolution re: REVAL.
910. County Dept. of Environ. and Planning to
Supervisor -
Guide for use in evaluation of projects.
911. Town Attorney to Federowicz Concrete Co. -
Advisement re: completion of work on Glendale/
Parkdale Sidewalk Project by 10/29/86.
912. Supervisor to NYSDOT -
Comments re: proposed bridge over Conrail
tracks at Cemetery Rd.
913. Town Clerk to Town Board -
Sample letter, vouchers, and checklist re:
voucher preparation.
914. Lancaster Striders to Town Board -
Particulars of road race to be held 12/14/86.
915. D.C.O. to Town Board -
Request transfer of funds.
916. Town Attorney to Valentine Samulski -
Advisement re: easement for turnaround.
917. Asst. Building Inspector to Town Board -
Monthly report for October 1986.
918. Building Inspector to Town Board -
Notification of refund request for Building
Permit Application No. 209 by applicant
David Palaszewski.
919. N.Y.S. Board of Equalization and Assessment to
Supervisor -
Notice of Tentative State Equalization Rate
for the 1986 Assessment Roll.
920. NYSDOT to Supervisor -
Order re: Cemetery Rd. grade crossing.
921. County Dept. of Environmental Health Services to
Supervisor -
Transmittal of approval permit for waterline
extension in Plumb Estates Subdivision.

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R & F

ASSESSOR
TAX RECEIVER
TOWN ATTORNEY

R & F

R & F

TOWN ATTORNEY

BUILDING INSPECTOR

R & F

R & F

CHIEF FOWLER

SUPERVISOR

R & F

R & F

R & F
SUPERVISOR

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COMMUNICATIONS CONT'D:DISPOSITION

922. Hillview Elem. School to Town Board -
Invitation to playground dedication on
11/7/86.
923. Association of Towns to Supervisor -
Notes from the Executive Secretary.
924. Sy Kolassa to Town Board -
Comments and transmittal of petition
opposing rezoning of Maple Drive.
925. Recreation Commission to Town Board -
Request transfer of funds.
926. Lancaster Library Dir. to Town Clerk -
Notice of appointment of Richard Gessert to
vacated library trustee position.
927. Paul/Barbara Fuhrmann to Supervisor -
Request reduced speed zone on Genesee St.
near Genesee St./Ransom Rd. Intersection.
928. County Health Dept. to Galasso Family Enter. -
Certificate of Approval of Realty Subdivision
Plans.
929. N.Y.S. Dept. of Environmental Conservation to
David P. Smith -
Notice of Complete Application re: protection
of waters permit.
930. NYSDOT to Supervisor -
Notice that Traffic and Safety Unit will
conduct engineering investigations after
completion of Genesee St./Ransom Rd. Inter-
section project.
931. David Palaszewski to Building Inspector -
Request refund of fees re: Building Permit
Application No. 209.

R & F

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SUPERVISOR

R & F

PUBLIC SAFETY

R & F

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PUBLIC SAFETY

R & F

The Supervisor requested a suspension of the necessary rule for
immediate consideration of the following communication -
SUSPENSION GRANTED.

932. Architects for Busy Beaver to Supervisor -
Re: Site Plan Amendment.
933. Solid Waste Management to Supervisor -
Re: Solid Waste Management Conference.
934. J. Stribing, Chairman, 4th of July Committee to
Supervisor -
Meeting on 4th of July to be held 11/17/86.
935. Shelgren & Marzec to Supervisor -
Town Offices Rehabilitation.
936. R. Sherwood, Town Attorney to Supervisor &
Town Board -
Re: Lancaster Sanitary Landfill.

ENGINEER FOR REPORT

R & F
COUNCILMAN MILLERR & F
COUNCILMAN CZAPLA

TOWN ATTORNEY

TOWN ATTORNEY FOR
CLARIFICATION

ON MOTION OF COUNCILMAN CZAPLA, AND SECONDED BY THE ENTIRE TOWN BOARD
AND CARRIED, the meeting was adjourned at 9:55 P.M. out of respect to:

Signed



Robert P. Thill, Town Clerk